



W.P. No.24330 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.24330 of 2025

Subramaniam

Petitioner(s)

Vs

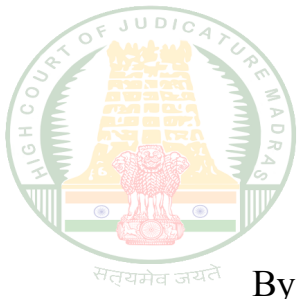
The Sub Registrar
Thookanaickenpalayam SRO,
T.S.P. Nagar Vaikkal Road T.N. Palayam,
Gobi, Erode District-638 506.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned Refusal check slip dated 04.06.2025 with reference Refusal Number RFL/THOOKANAICKEN PALAYAM/20/2025 passed by the respondent, quash the same and consequently direct the respondent to register the settlement deed, dated 30.05.2025 with Temporary No TP / 221745180/2025 executed by the petitioner in favour of his wife Mrs. Rajamani within a period.

For Petitioner(s) : Mr.S.M.Muralidharan (VC)

For Respondent(s) : Mr.U.Baranidharan
Special Government Pleader



W.P. No.24330 of 2025

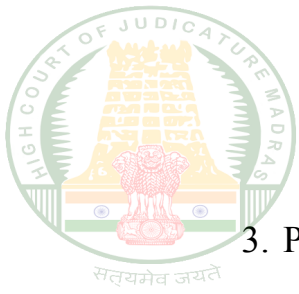
ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. The present writ petition is filed praying for a writ of certiorarified mandamus challenging the refusal check slip dated 02.06.2025 whereby the settlement deed dated 04.06.2025 sought to be registered was refused registration. It is stated that a settlement deed was executed by the petitioner in favour of his wife in respect of the properties situated at Periyakodiveri Village, Gobichettiypalayam Taluk, Erode District, comprised in the following Survey Numbers:

- i) 198D-52 cents;
- ii) 198C – 57 cents;
- iii) 198F – 87 cents;
- iv) 198-H – 1 acre;
- v) 198J – 60 cents;
- vi) 198G – 44 cents out of the total extent of 2.16 acres and
- vii) 198E – 90 cents out of the total extent of 1 acre 1 measuring total extent of 4 acres 90 cents.



3. Petitioner executed a settlement deed dated 30.05.2025, while settling the aforesaid properties in favour of his wife, the same was refused registration on the premise that the will executed by petitioner's grandfather and father in favour of petitioner in respect of subject properties was not probated while stating that petitioner may re-present the document for registration after getting probate of the unregistered wills from a competent Civil Court.

3.1. Learned counsel for petitioner would place reliance on the judgment of this Court in W.P.No.8184/2024 dated 27.03.2024, wherein it was held as under:

“5. It is settled proposition of law that, the properties situated other than the province of Chennai or the unregistered Will executed outside the province of Chennai, need not be registered. Only the unregistered Will, executed within the province of Chennai or the property, situated in Chennai alone need to be probated. In this case, the property is situated outside the Chennai province and the said unregistered Will has also been executed outside the province of Chennai. Therefore, as per law, the said Will need not be probated. Therefore the demand of the Registrar is against Law and the reason stated in the refusal check slip is erroneous. “

4. In view thereof, the impugned order is set-aside, it is open to the petitioner to re-present the settlement deed for registration, the concerned respondent shall consider and register the document if it is otherwise in order, and release the same after affording the petitioner, and other interested parties a



W.P. No.24330 of 2025

reasonable opportunity of hearing. If for any reason, the concerned respondent is rejecting the petitioner's request, they may do so after assigning appropriate reasons.

5. Accordingly, the writ petition stands disposed of. No costs.

07.07.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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W.P. No.24330 of 2025

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To:
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Thookanaickenpalayam SRO,
T.S.P. Nagar Vaikkal Road T.N. Palayam,
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W.P. No.24330 of 2025

MOHAMMED SHAFFIQ, J.

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W.P. No.24330 of 2025

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